

ASSEMBLY BILL

No. 2071

Introduced by Assembly Members Bonnie Lowenthal and Ammiano

February 18, 2010

An act to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2071, as introduced, Bonnie Lowenthal. Inmates: medical parole. Existing provisions of law generally regulate the granting and conditioning of parole.

This bill would provide for release to parole to a medical facility, as specified, by the Secretary of the Department of Corrections and Rehabilitation, if those prisoners are eligible for certain levels of care, as specified, and would not pose a threat to public safety. Those provisions would not apply to a condemned inmate, or any inmate who is serving a sentence for which medical parole is prohibited by the 3-strikes initiative statute or by any other initiative statute. The bill would direct wardens or their representatives to undertake certain actions in conjunction with these releases to medical parole, and would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Title 2.5 (commencing with Section 3550) is
- 2 added to Part 3 of the Penal Code, to read:

TITLE 2.5. MEDICAL PAROLE

3550. (a) Notwithstanding any other provision of law, prisoners who are physically or medically incapacitated by a medical condition that renders them permanently unable to move without assistance, or permanently unable to perform the activities of daily living without assistance, including, but not limited to, dressing, feeding, ambulating, or maintaining personal hygiene, who are eligible for skilled nursing facility level of care or subacute level of care, as those terms are defined in Sections 51124 and 51124.5 of Title 22 of the California Code of Regulations, respectively, and who are determined by the Secretary of the Department of Corrections and Rehabilitation not to pose a threat to public safety, shall be released to parole placement at a medical facility. This subdivision shall not apply to a condemned inmate, or to any inmate who is serving a sentence for which medical parole is prohibited by Section 1170.12 or by any other initiative statute.

(b) The warden or warden's representative shall, at the time a prisoner is released to parole under this section, ensure that the prisoner has applied for any federal entitlement programs for which the prisoner is eligible, and has in his or her possession a discharge medical summary, full medical records, state identification, parole medications, social security number, and all property belonging to the prisoner that was under the control of the department. Any additional records shall be sent to the prisoner's forwarding address after release to parole.

(c) (1) Notwithstanding any provisions of law establishing maximum periods for parole, a prisoner released, pursuant to this section, to medical parole prior to the earliest possible nonmedical parole date under which the prisoner would otherwise have been released to parole shall remain on medical parole in a medical facility until that earliest possible nonmedical parole date, at which time the provisions of paragraph (2) shall apply.

(2) At the expiration of the period described in paragraph (1), the parolee shall commence serving that period of parole provided by, and under all other provisions of, Chapter 8 (commencing with Section 3000) of Title 1.

1 SEC. 2. Nothing in this act shall be construed to limit the recall,
2 resentencing, or compassionate release processes specified in
3 subdivisions (d) and (e) of Section 1170.

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